

Application No. 10/784,160
Supplemental Amendment

SEP 19 2006

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are pending in this case. Claims 10-18 are withdrawn. Claims 1, 10, and 18 are amended and Claims 2 and 11 are canceled without prejudice or disclaimer by the present amendment. Amended Claims 1, 10, and 18 are supported by the original disclosure,¹ and therefore add no new matter.

In the outstanding Office Action, Claims 1-4 and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Fukunaga (U.S. Patent No. 5,819,646), or in the alternative under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Hobson et al. (U.S. Patent No. 5,744,241, hereinafter "Hobson"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Suzuki et al. (U.S. Patent No. 4,796,046, hereinafter "Suzuki"). Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Ream et al. (U.S. Patent No. 6,284,373, hereinafter "Ream").

Applicants and Applicants' representatives thank Examiner Zacharia for the courtesy of the interview granted to Applicants' representatives on September 6, 2006. During the interview, the assertions in the Advisory Action of July 5, 2006 were discussed. A proposed amendment to Claim 1 was presented. Examiner Zacharia agreed to reconsider the rejections of record after formal submission of the present response.

With regard to the assertion in the Advisory Action of July 5, 2006 that "consisting mainly of" in Claim 1 was unclear, Claims 1, 10, and 18 are amended to replace "consisting mainly of" with "including." With regard to the assertion in the Advisory Action of July 5, 2006 that Claim 1 was amended to include new matter, Claims 1, 10, and 18 are amended herewith to delete the phrase "free from organosilicone compounds having at least one

¹See, e.g., Figures 1A and 2.

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hydrogen bonded to a silicon atom in one molecule.” Accordingly, Claims 1, 3-10, and 12-18 are in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claim 1 as anticipated by Fukunaga or as unpatentable over Fukunaga in view of Hobson, those rejections are respectfully traversed.

Amended independent Claim 1 recites:

a substrate surrounding an aperture configured to receive a heater;
an elastic layer including heat resistance rubber provided on the substrate; and
a separation layer including fluorocarbon resin provided on said elastic layer, said elastic layer including silicone rubber and/or fluorosilicone rubber as a major component, wherein said fluorocarbon resin has a tensile strength such that a 30 μ m coating film baked at 340°C has a tensile strength equal to or greater than 25 MPa, and the separation layer is baked on the elastic layer at a temperature lower than an oxidation starting temperature of the heat resistance rubber.

The outstanding Office Action alleged that “Fukunaga et al. teach a fixing device comprising a core, an elastic layer, and a fluorocarbon layer (column 2, lines 2-5).”²

However, Fukunaga describes a pressing roll that includes a *solid* core, as shown in Figures 2, 5, and 8 of Fukunaga. Further, it is respectfully submitted that Fukunaga does not teach or suggest *any* aperture in the cores 13 and 23 shown in Figures 2 and 5 of Fukunaga, respectively, much less *apertures configured to receive a heater*. Accordingly, Fukunaga does not teach or suggest “a substrate surrounding an aperture configured to receive a heater” as defined in Claim 1. Consequently, Claim 1 (and Claims 3-9 dependent therefrom) is not anticipated by Fukunaga and is patentable over Fukunaga in view of Hobson.

With regard to the rejection of Claims 5 and 6 as unpatentable over Fukunaga in view of Suzuki, it is noted that Claims 5 and 6 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted

²See the outstanding Office Action at page 2, lines 11-12.

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that Suzuki does not cure any of the above-noted deficiencies of Fukunaga. Accordingly, it is respectfully submitted that Claims 5 and 6 are patentable over Fukunaga in view of Suzuki.

With regard to the rejection of Claims 7 and 8 as unpatentable over Fukunaga in view of Ream, it is noted that Claims 7 and 8 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Ream does not cure any of the above-noted deficiencies of Fukunaga. Accordingly, it is respectfully submitted that Claims 7 and 8 are patentable over Fukunaga in view of Ream.

With regard to withdrawn Claims 10 and 12-18, it is respectfully requested that these claims be rejoined and allowed in accordance with MPEP §821.04, as Claims 10 and 18 are amended to include the subject matter recited in Claim 1 which is believed to be allowable.

Accordingly, the pending claims and the present application are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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